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December 22, 2003

Via Hand Delivery

The Honorable Patti B. Saris
United States District Court
District of Massachusetts
One Courthouse Way, Courtroom 13
Boston, MA 02210

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation,
MDL 1456

Dear Judge Saris:

During the argument on the motions to dismiss the Montana and Nevada complaints you asked if the States would want to remain in Boston or return to State Court should you rule that the Best Price claims are preempted.

Given the amount of work the Court has put into this case the states of Nevada and Montana would not object to the case remaining in Boston. We recognize that this will increase the Court's workload, and if the Court should choose to remand to state court, the states would not object to such a decision. All else being equal, however, the states support the exercise of supplemental jurisdiction.

Respectfully,

A handwritten signature in black ink that reads "Steve W. Berman". To the right of the signature is a circular stamp containing the letters "TMS".

Steve W. Berman
Special Assistant Attorney General for Nevada
and Montana

cc: All Counsel (via Verilaw)